

REMARKS

Claims 2-17 and 19 remain in this application. Claims 1 and 18 have been canceled. Claims 2-6, 8-12, 14-17 and 19 have been amended.

Claim 2 was objected to by the examiner as “*-- being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims*”. Claim 2 has been amended to overcome the objection by being rewritten in independent form, including the limitations of claim 1, as suggested by the examiner and is therefore now in condition of allowance.

Claim 3 has been amended by being rewritten in independent form, including the limitations of claim 1 to overcome the 35 U.S.C.112 rejection which claims the second embodiment of the invention.

Claim 9 has been amended to depend on claim 3 for the second embodiment of the invention.

Claims 4-6, 8-12 and 14-17 have been amended to depend upon the allowable claim 2.

The drawings were objected to under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims. The examiner asserted that “*-- the straight first ends of the side extremities which are also attached to the inside of the transom* (claim 3) must be shown --”. Applicant submits that the claim 3 did not attach the side extremities to the inside of the transom as the original claim 3 claimed; “*The boat fold-away transport platform as recited in claim 1 wherein said first end of said tubular side supports straight and said second end of said tubular side supports have an upturned radial extremity, wherein the first end is positioned adjacent to the boat stern*

rail, and the second end radial extremity provides a barrier on its distal end for maintaining a secure position when transporting sizeable items on said platform." The drawings clearly illustrate the attachment adjacent to the boat stern in FIGURES 20-22.

Therefore applicant submits that the examiners rejection be withdrawn and the drawings and limitations of the second embodiment of the invention, as described in the specification page 9 lines 5-28 fully describe claim 3 and FIGURES 20-22 completely illustrate this feature. It should also be noted that claim 9 further limits the attachment of the straight end of the side supports with a complete description of the stern pivoting brackets attached to the boat stern rail, not inside of the transom.

It will also be noted that applicant has amended claim 3 to be independent and for claim 9 to depend on claim 3 to further clarify the second embodiment described in the specification page 9 lines 5-28 and FIGURES 20-22.

Claim 19 has been amended to overcome the 35 U.S.C.102(b) rejection.

Reconsideration of this application is requested. Claim 3 was rejected under 35 U.S.C.112 first paragraph, as failing to comply with the written description of the requirement. As amended claim 3 is generic and has all of the limitations of the original claim 1 which was allowable if combined with claim 2 which is identical to claim 3 with the exception of the first end of the side supports which are now straight instead of down turned. As described previously the second embodiment of claim 3 is described in the specification page 9 lines 5-28 and illustrated in FIGURES 20-22.

Claim 19 was rejected under 35 U.S.C.102(b) as being anticipated by Melchert, Jr. et al. in U.S. Patent No. 3,805,722. This rejection is respectfully traversed

Melchert, Jr. et al. do not have the their side supports **pivotal**ly attached to the boat, nor each side support having a down-turned radial extremity on one end, and an upturned radial extremity on the other such that the first end extends downwardly into the boat and the second end provides a barrier on the distal end for maintaining a secure

position when transporting sizeable items on said platform. Further Melchert, Jr. et al. fail to disclose tubular construction and securement inside their transom.

As claim 19 has been amended to add the limitation of the end configuration and purpose of claim 2 as well as the lack of securement inside of the boats transom it is submitted that applicant now defines over the invention of Melchert, Jr. et al. and the rejection be withdrawn.

Claims 1, 4-12, 15, 17 and 18 were rejected under 35 U.S.C.103(a) as being unpatentable over Melchert, Jr. et al. in U.S. Patent No. 3,805,722 in view of Klimowicz in U.S. Patent No. 5,636,587. This rejection is respectfully traversed.

As amended claim 1 has been canceled and the limitations added to claim 2, claim 18 has been canceled no longer claiming matter which formed the basis for the examiners rejection. Claim 2 was objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As amended claim 2 is now independent having all of the limitations of its base claim 1. Claims 4-12, 15, 17 as amended now depend upon claim 2 placing claims 2, 4-12, 15, 17 in condition of allowance.

Claim 16 was rejected under 35 U.S.C.103(a) as being unpatentable over Melchert, Jr. et al. in U.S. Patent No. 3,805,722 in view of Cannon, Jr. in U.S. Patent Application Publication No. 2004/0089218. This rejection is respectfully traversed.

As amended claim 16 now depends upon Claim 2 which was objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As amended claim 2 is now independent having all of the limitations of its base claim 1. Claim 16 now depending upon claim 2 also placing it in condition of allowance.

Claims 2, 13 and 14 were objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As amended claim 2 is now independent having all of the limitations of its base claim 1 and claims 13 and 14 depend upon claim 2 therefore claims 2, 13 and 14 are now in condition of allowance.

Withdrawal of the rejection is respectfully requested and allowance of the instant application is solicited.

No additional fee is deemed necessary at this time.

Respectfully submitted,



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